

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

YHANKA VERAS,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF  
EDUCATION,

Defendants.

22-cv-00056 (JLR)(SN)

**ORDER**

JENNIFER L. ROCHON, United States District Judge:

On January 28, 2023, the Court received a letter from Plaintiff asking to withdraw Plaintiff's consent under 28 U.S.C. § 636(c) to the referral to Magistrate Judge Netburn for general pretrial discovery and dispositive motions. *See* ECF No. 63. This letter motion is denied.

On February 17, 2022, Judge Caproni, the district judge then assigned to this case, referred the case to Judge Netburn to manage General Pretrial Discovery, pursuant to 28 U.S.C. § 636(b)(1)(A). Judge Caproni also referred dispositive motions requiring a report and recommendation pursuant to 28 U.S.C. 636(b)(1)(B). *See* ECF No. 8 (Referral Order). On September 27, 2022, the undersigned was assigned to this case and adopted the prior order of the Court including the case management order at ECF No. 8. *See* ECF No. 35.


Under 28 U.S.C. § 636(c) both parties may consent to have a magistrate judge “serve[] as a full-time judicial officer [and to] conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case . . . .” Plaintiff seeks to withdraw consent under this section. However, this request is improper because General Pretrial Discovery and dispositive motions were referred to Judge Netburn under 28 U.S.C. § 636(b), not 28 U.S.C. § 636(c), and referral under Section 636(b) does not require consent of the parties. Therefore,

General Pretrial Discovery is properly before Judge Netburn, including pre-amendment discovery requests.

Based on the foregoing, Plaintiff's letter motion is denied. Plaintiff's deadline to file an amended complaint remains **February 22, 2023**.

Dated: January 31, 2023  
New York, New York

SO ORDERED.

  
\_\_\_\_\_  
JENNIFER L. ROCHON  
United States District Judge